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SIPDIS

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TAGS: [PREL](#) [ENRG](#) [KJUS](#) [KTIA](#) [EPET](#) [PINR](#) [SCUL](#) [TH](#) [CB](#)
SUBJECT: DPM SOK AN IS FIRM BUT PATIENT ON THAI BORDER
DISPUTE, DOWNPLAYS KRT CORRUPTION

Classified By: AMBASSADOR CAROL A. RODLEY FOR REASONS 1.4 (B,D)

1. (C) SUMMARY: In an initial courtesy call on Deputy Prime Minister Sok An February 12, the Ambassador emphasized the U.S. commitment to a re-invigorated and growing relationship with Cambodia and support for the Khmer Rouge Tribunal. Sok An outlined mixed developments in negotiations with the Royal Thai Government (RTG) over the disputed border in the vicinity of UNESCO World Heritage Preah Vihear temple. The Ambassador questioned whether the Royal Government of Cambodia (RGC) should go forward with plans to reverse an earlier decision and now exclude Thailand from the Preah Vihear International Coordinating Committee (ICC) required by UNESCO inscription. DPM Sok An indicated that the ongoing negotiation regarding renewal of the Chevron offshore oil concession was going well and that the two sides were seeking compromises on taxation of oil revenues and the development of an action plan to start oil well drilling so that Cambodia's "money does not sleep under the sea." END SUMMARY.

Excellent Relations; RGC Counts on "President of World" Obama

2. (SBU) The Ambassador and DPM Sok An agreed that the U.S.-Cambodia bilateral relationship is better than ever before. The Ambassador noted that the USG now has better and deeper relations with the RGC compared to her previous tour in Cambodia nine years earlier when relations were characterized by mistrust and suspicion. The DPM acknowledged the current bilateral cooperation enjoyed by both countries and mentioned that he is looking forward to implementation of a USAID-supported economic growth program based on an agreement he signed with Deputy Secretary Negroponte in September 2008. The Ambassador commented that restoring the U.S. economy is the top priority of the Obama administration and that the current financial picture is far different from the period just five months ago when the economic development agreement was signed. She went on to say that American economic recovery will have implications for Cambodia given the interrelated nature of both economies. The Ambassador noted that when Americans are unemployed and not buying shirts, orders for Cambodian garment manufacturers decrease and both countries feel the consequences of the economic crisis. DPM Sok An replied that President Obama is viewed as not only the President of the U.S., but also "the President of the world" because the situation in the U.S. has a profound impact on other countries and this is evident in Cambodia.

KRT: Some Success, But Need to Prevent Corruption

13. (C) The Ambassador commended DPM Sok An for the amazing progress that has been achieved on the Khmer Rouge Tribunal, officially called the Extraordinary Chambers in the Courts of Cambodia (ECCC). She confirmed that she will attend the opening hearing at the KRT on February 17. The DPM reiterated the "five successes" of the KRT thus far and noted achievements of the KRT compared to other international war crimes tribunals: the speedy arrest of 100 percent of the accused; the inclusion of victims as civil parties in the trial; the relatively minimal cost; significant national and international participation; and the timely establishment of internal rules by the court's judges. Noting that there are well-understood "problems in the ECCC" (NOTE: an allusion to salary kickback allegations against ECCC Director Sean Visoth and calls for his removal. END NOTE), the DPM went on to say that the RGC could only make decisions with respect for the rule of law and due process. "Our friends want us to act (to dismiss Sean Visoth, who is currently on an indefinite sick leave), but we cannot do this without due process of law," he said. The Ambassador acknowledged the court's achievements, but emphasized the importance of the national and international communities maintaining confidence in the integrity of the court and that the reputation of the administrative side will affect the reputation of the judicial side. Noting that the matter was essentially a political question based on the lack of confidence in an individual, the Ambassador called on Sok An to continue to show leadership on the issues of corruption within the KRT. (NOTE: In a room full of more than ten Sok An staffers, neither side mentioned Sean Visoth by name. END NOTE.) The DPM replied that corruption exists in every country and that this complication within the scope of the larger KRT is a

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relatively small point. He added that few people have been part of the tribunal process since its beginning in the mid-1990s (as Sean Visoth has), implying that Sean Visoth had a significant role to play and not closing the door on his return.

Tensions at Preah Vihear

14. (C) The DPM emphasized Cambodia's good will, sincerity, flexibility, respect for the rule of law, and resolve regarding the tensions at Preah Vihear -- despite the Thai "incursion" onto Cambodia's territory last July -- and he repeated Cambodia's position that they will defend the territorial boundaries and cultural heritage of Cambodia. However, he added that the Cambodian position was to continue to have good bilateral relations with Thailand in all areas. The UNESCO inscription of Preah Vihear last July which had been agreed to by Thai authorities at that time in Quebec was an issue of culture and heritage, not a boundary issue. DPM Sok An again expressed the gratitude of the Cambodian government to Ambassador Oliver and A/S Anderson in joining a multilateral group to broker the UNESCO inscription by a consensus of 21 nations on the UNESCO inscription committee. Sok An reviewed the UNESCO policy that inscription of the Preah Vihear temple did not require a "buffer zone" around the temple with well-defined borders. However, he recalled the 1962 decision by the International Court of Justice that the Preah Vihear temple complex belonged to Cambodia. He noted pointedly that the ICJ decision made no reference to "Khao Pra Viharn," the name for Preah Vihear used by the Thai and an ongoing source of disagreement which surfaced during February 3-4 bilateral border talks in Bangkok.

15. (SBU) The DPM stated that the Cambodia-Thai Joint Boundary Commission (JBC) will continue meetings the second week of April and will focus on negotiating the border marker posts installed by the French early in the last century. To date, 48 markers have been located out of the 73 known to have been installed; the RTG and RGC have agreed in principle to accept the locations of 33 of the marker posts so far, he said.

Thailand as Member of ICC

16. (C) The DPM discussed Cambodia's plans to revise its position, after the Thai "incursion" into Cambodian territory last July 15, to exclude Thailand from membership on the ICC. The Ambassador asserted that an ICC without Thailand's participation seemed like an untenable proposition given that most of the currently available access to Preah Vihear is through Thailand.

Offshore Oil Development and Renewal of Chevron's Concession

17. (C) Although the Ambassador and DPM were not able to discuss the issue of offshore oil development in detail during this initial meeting, the Ambassador asked about the status of Chevron's bid to renew its concession on Bloc A. The DPM averred that he had a good discussion with Chevron Asia Pacific President James Blackwell recently and had promised to work with the Ministry of Economy and Finance on an expeditious compromise on oil revenue taxation. (NOTE: Since Chevron signed its first concession agreement with Cambodia the government has been pushing for a law to increase taxes on oil revenue. In the renewal of the concession, Chevron is seeking the same treatment as in the original agreement. END NOTE.) Commenting on the need for its first big concession-holder to start pumping oil, Sok An said that Cambodia "does not want our money to sleep under the sea." Complaining that they initially thought production would begin in 2009, but were then told 2010, and now that it would be 2011 before oil production begins, he noted the RGC requested a Plan of Action from Chevron. He half-jokingly requested that the USG prod Chevron to start oil production soon.

Biographical Note

18. (SBU) Sok An stated that his four sons are now grown up, have graduated from college and are successful. His third son (a twin, Soken) works for the DPM as an aide and attended

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this meeting. His fourth son graduated first in his class from a university in Switzerland with a degree in Tourism and Hotel Management, and is now an assistant in the Department of Tourism and Industry. The DPM mentioned that his daughter already had two children, and noted his son-in-law works in the Foreign Ministry in its inspectorate. Sok An stated that now that his children are grown, he no longer has to "find them jobs" but instead can work for his government and country. Another of Sok An's twin sons (Soken) is married to the daughter of Senior Minister Cham Prasidh, and serves as the latter's Chief of Cabinet.

COMMENT:

19. (C) Sok An was well briefed and prepared to engage on subjects of importance in this first meeting. The Cambodian chair of the JBC, Senior Minister Var Kim Hong, sat next to him and reminded Sok An of recent developments in the Preah Vihear border negotiations. The DPM went on at length about moments in the negotiations over UNESCO inscription where the Thai either tried to ignore the rules of the game or agreed to a point, only to reverse themselves later. Nonetheless, he exhibited patience and understanding for the fractious political situation in Thailand. Sok An seemed to take on board the notion that the Thai must be a part of the ICC. On the KRT, Sok An was just as inscrutable as he has always been these past few months on the fate of Sean Visoth. In the meantime, Visoth appears to be well away from the court on an extended sick leave and the UN staff at the ECCC are satisfied with this arrangement.

